

STATE OF PLAY

Mr. DASCHLE. Mr. President, I have great respect for the Republican leader and appreciate very much his efforts at asserting his ability to bring his caucus's agenda to the Senate. When we were in the minority, we tried to do that on many occasions, and I certainly do not deny him the right to do it.

Let me make sure everybody understands the state of play. The current bill pending is the Railroad Retirement Act. Our Republican colleagues have filed an amendment that actually combines the comprehensive energy bill with the question about whether or not we ought to drill in ANWR with the question on whether or not we ought to allow cloning in this country.

I must say, in all my years, I do not recall a more unusual marriage of issues involving public policy than this one. What the Republicans are saying is not only should they have the right to offer this amendment but they want to extend debate on their own amendment.

They actually are now advocating we not vote for cloture, which is the Democratic position. We had expressed some concern about an amendment of this kind on this bill, and we will have an opportunity to vote on cloture on the bill as soon as we dispose of the cloture motion on this particular amendment. We may have a unanimous vote on this amendment on cloture, which is an extraordinary situation given the complexity of these issues and the unusual juxtaposition of the two issues together.

I am confident there will be those who are going to be confused with our colleagues' strategy, but certainly that is their choice.

Let me simply say three things: First, these are very important questions. Energy policy alone should dictate a debate in the Senate that would require days, if not longer, to ensure we carefully consider all of the ramifications of energy policy, additional production, additional efforts at conservation, additional ways in which to research alternative energy sources, our infrastructure, the environmental questions associated with where we draw our additional production. All of those questions will be addressed. Ought they be addressed as an amendment to the railroad retirement bill? Is this the best forum within which to address something as complex, controversial, and as far-reaching? I think even our Republican colleagues would have to say it is not.

The question of cloning may also fall into that category. As complex, as difficult, as extraordinarily sophisticated as this whole question of public policy is, is this the right place, an amendment to the Railroad Retirement Act, to take up the issue of cloning? I think not.

It is for that reason I have said this Senate will take up, consider carefully, and dedicate whatever time is required

to both issues early next year. We are trying to address railroad retirement now. We have to address the farm bill soon. We have the Defense appropriations bill upcoming. We also have the economic stimulus plan in addition to terrorist insurance—all of those issues in what amounts to a few days remaining in this session of Congress.

Our colleagues have been demanding we take up energy, with all of its complexity, and cloning, with the controversies associated with that issue as well. That is virtually an impossibility unless we are in session between Christmas and New Year's, and I do not think anyone is serious about a schedule of that kind.

So I urge my colleagues to vote against cloture on this amendment, vote for cloture on the bill, so we can bring our debate on railroad retirement to closure. That is the way we can address these issues in a careful, constructive, and meaningful way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I want to engage the two leaders in a brief colloquy.

I have requested an opportunity to bring the two leaders into a short colloquy relative to the urgency of trying to work out a schedule that is compatible with the business at hand of the Senate, and the interests, of course, of our President relative to some of the items he has decided are priorities, including energy and trade promotion, and recognizing the vote we have before us, which is a convoluted vote because we are basically taking up three issues: Cloning, as well as energy and, of course, railroad retirement.

What we had hoped to be able to negotiate was an up-or-down vote on an energy bill. As the leader knows, we had a good deal of debate within the committee prior to the change of majority. The House of Representatives passed H.R. 4. That is what is before us. The Senator from Alaska is now in the position of wanting to work with the majority leader in ensuring we can expedite the business of the Senate, and I do not initiate undue delays by objecting to unanimous consent agreements.

I ask the majority leader, while on the one hand he assures us he is willing to take up an energy bill as a priority sometime when we get back, to give us an indication that we will finish that bill, that we will not be in a situation where he will pull it down because of objection one way or another and we never get to an energy bill.

The rights I have as a Senator are obviously limited. It is not my intent to delay, but I must do whatever parliamentary opportunities I have to encourage this.

As the majority leader knows, in July we entered into a unanimous consent agreement. That was not granted for a time certain—when I say "time certain," I mean a day certain—on the issue of Iraq and whether to terminate

under the sanctions our sale of oil from Iraq. I understand the majority leader will respond to me soon. In view of the fact we have lost two American lives over there, with illegal smuggling of oil, this is a bit of a priority.

Can the two leaders perhaps get together and give some assurance we could take up an energy bill when we come back after the first of the year, and take it up in such a way to offer an opportunity for amendments, an up-or-down vote, and resolve it and move on to the other matters the majority leader believes are appropriate and necessary? From the view of broad interest, this matter should be resolved once and for all. Obviously, the House has done their job; the Senate has yet to do its job.

As the majority leader knows, the fact the authority has been taken away from the authorizing committee and left in the hands of the majority leader leaves us in a bit of a bind as far as having any input on whatever energy bill might come up. All I ask is the assurance to take up an energy bill and dispose of it in a reasonable timeframe.

Mr. DASCHLE. Mr. President, if I could respond, I know some of our colleagues are trying to catch airplanes. We need to get on with this vote.

I am very sympathetic to the Senator from Alaska. I have been in exactly his position three times now in the last month. I was in his position when we tried to address the unemployment compensation bill on the airline security legislation. I was in it when we tried to address the firefighters legislation as an amendment. I was in it for the last week as we have attempted to bring closure on an up-or-down vote on this bill, the Railroad Retirement Act. In all three cases, of course, the Senate has worked its will and Senators have used their prerogatives under Senate rules to extend debate. We have not had an up-or-down vote on my three priorities.

We all face these circumstances where as much as we would like to bring a particular bill or amendment to closure with an up-or-down vote, as I have attempted in the last month on those three issues, Senators have used their prerogatives as Senators under the rules to continue the debate. We will have to see how the energy debate plays itself out, especially with regard to ANWR.

I have already stated very emphatically my desire to bring up the energy bill prior to the Founders' Day recess, to have a good debate, to talk about all of the issues, including those which are controversial. It is my expectation we will do just that. We will have a good debate and have many votes on many of the issues that the Senator has so passionately addressed in the Senate Chamber.

I ask for regular order.